

**Public Comment Summary  
Biennial Season Setting, February 2008**

STATE Fish & Game  
EDITION NO. 3  
DATE 3/10/11  
BILL NO. HB 361

**Introduction**

FWP received comments to Tentative regulation adoptions through several medium including emails, the website, mailings and in public hearings. The formal comment period on adopted Tentatives was initiated December 21, 2007. An "interested party" letter generally describing the adopted Tentatives was assembled and posted on the website and mailed to an established address list of interested parties. Press releases were also distributed.

This summary focuses on over 1800 written comments received and available through the deadline of 5:00 PM, February 1, 2008. Oral comments from 44 public hearings attended by approximately 2000 individuals were also reviewed for this effort. Approximately 600 additional comments specific to wolf had been received by February 1 and are addressed separately. Not surprisingly, written comments and public hearing minutes tend to support each other with themes and issues overlapping as well as the various supporting and opposing groups. Additionally, a spatial orientation of support or opposition occasionally appeared in written comment and local hearings.

When considering all comment combined, the vast majority of comments received were from Montana residents, some of whom self-identified themselves as hunters, landowners, outfitters, businesses, legal representatives, local government or other formal groups. Others did not make that identification although comment content suggests many if not most were speaking as hunters. Within the comments were both unique inputs and repeated "form" letters.

Region-specific changes were typically localized and relatively limited among the total comments received. Conversely, the large volume of comments was likely generated by some of the statewide issues themselves—particularly season dates and limited archery permits for elk and antelope. Other Tentative adoptions that received considerable public attention included youth pheasant opportunities and a 4-year waiting period for some either sex elk permits. Most written comments addressed multiple issues. For the volume of comment and the conflicting inputs, this summary is dedicated primarily to these "larger" issues.

**This document identifies and summarizes themes running through the public comment. As a summary, it is not intended to replace the specific comments themselves as they have been forwarded to the Commission (both oral and written). This includes comments received in Helena after the February 1 deadline. Rather, this summary has been assembled to assist all parties to generally recognize and consider the primary elements of public comment. Many comments received did not explicitly state whether the Tentative was supported or not, but did address various aspects of the Tentative and/or suggested modifications.**

## Specific Issues and Themes

### Fixed Dates

Within the comments, there was strong opposition to fixed dates across Montana and different user groups. This opposition centered around opening dates that would not fall on a weekend. Comment included:

- consideration of youth hunters in school during the week and many (if not most) hunters having weekends off
- many did not want to take—or give—vacation to participate in opening day.
- traditional method of setting dates is easy enough to use, understand and predict
- many advocated a Saturday opener (vs. Sunday) and also moving the season later to better catch inclement weather

Comments in support of fixed dates hit upon improved vacation planning and the potential for reduced pressure on opening day.

### Limited Archery Elk—Missouri Breaks

Unlike Fixed Dates, limited archery permits had variable support/nonsupport across the state and user groups. In nearly unanimous fashion, commenting outfitters, landowners, businesses, commerce, local governments and non-resident hunters adamantly opposed limited permits. Arguments included:

- deleterious financial impacts to local economies, ranches, businesses and FWP programs with an advocacy for nonresident over resident financial inputs
- reduced hunter opportunity (especially nonresident—to include public land opportunities) when elk numbers are robust
- reduced elk population control
- perceived threats to landowner rights and/or property values/tax base
- reduced flexibility for landowner
- questions to the issues of crowding and access and the proposal's effectiveness or need to those ends
- worsened landowner-sportsmen relations and access
- unfriendly message to nonresidents
- pursue other options to include working groups, choose your weapon/area or phased approach
- no season restriction could or should take place without landowner support or initiation

Among resident hunters, strong support was articulated for limited permits in the Breaks. The bulk of this support centered on:

- crowding as it relates to hunt quality and harvest opportunity/animal distribution--many spoke to a history of hunting in the Breaks and seeing the quality of that experience erode over time
- equity between user groups and appropriately permitting such high quality opportunity
- residents also spoke to their financial contributions throughout the year and challenged the notion that hunting season structure changes violated private property rights

#### Limited Archery Elk—Outside Missouri Breaks

In nearly unanimous fashion, commenting outfitters, landowners, businesses, commerce, local governments and non-resident hunters adamantly opposed limited permits. Arguments included:

- deleterious financial impacts to local economies, ranches, businesses and FWP programs with an advocacy for nonresident over resident financial inputs
- reduced hunter opportunity (especially nonresident—to include public land opportunities) when elk numbers are robust
- reduced elk population control
- perceived threats to landowner rights and/or property values/tax base
- reduced flexibility for landowner to include hunting
- questions to the issues of crowding and access and the proposal's effectiveness or need to those ends
- worsened landowner-sportsmen relations and access
- does not measure landowner commitments to wildlife and tolerance for damage
- unfriendly message to nonresidents
- pursue other options to include working groups, choose your weapon/area, phased approach or different geographic boundaries
- no season restriction could or should take place without landowner support or initiation

Unlike limited permits in the Missouri River Breaks, resident hunters expressed only limited support for this proposal from a statewide perspective. That said, there appeared a "geography" of comments with stronger support coming from south central and southeast Montana. Comments were:

- at times careful not to dismiss specific (crowding) issues in the Breaks or other individual districts and efforts to address them, but reluctant to expand those changes to other areas that do not or may not share the same issues
- concern for lost hunter opportunity and, from that, concern about hunter redistribution to the west
- concern that the season change would not help access but may worsen it along with landowner-sportsmen relations

- support based upon limiting the hunter shift out of the Breaks into other limited entry rifle permits areas and opposition to the commercialization of wildlife resources—particularly in the absence of public access
- some saw this (positively) as a proactive step
- residents also spoke to their financial contributions throughout the year and challenged the notion that hunting season structure changes violated private property rights

#### Limited Archery--Antelope

Although generating less written comment than elk, the themes and advocates/opponents were similar. In nearly unanimous fashion, commenting outfitters, landowners, businesses, commerce, local governments and non-resident hunters adamantly opposed limited permits. Arguments included:

- deleterious financial impacts to local economies, ranches, businesses and FWP programs with an advocacy for nonresident over resident financial inputs
- reduced hunter opportunity (especially nonresident—to include public land opportunities) when antelope numbers are robust
- reduced elk population control
- perceived threats to landowner rights and/or property values/tax base
- reduced flexibility for landowner
- questions to the issues of crowding and access and the proposal's effectiveness or need to those ends
- worsened landowner-sportsmen relations and access
- unfriendly message to nonresidents
- pursue other options to include working groups, choose your weapon/area or phased approach
- no season restriction could or should take place without landowner support or initiation
- some argued that FWP's initial proposal was inaccurate and so "tainted" the subsequent public discussion despite a proposal re-write.

Resident hunters generally expressed support for this proposal. That support was based primarily upon:

- concern that the license's unlimited nature has or will lead to crowding and/or access issues—some saw this (positively) as a proactive step
- opposition to the commercialization of wildlife resources—particularly in the absence of public access. In this regard, many of the elk archery comments were paired with antelope.
- residents also spoke to their financial contributions throughout the year and challenged the notion that hunting season structure changes violated private property rights.
- some voiced concern that the season change would not help access but may worsen it along with landowner-sportsmen relations

- despite the inaccurate data of the first proposal in mind, some supporting comments seemed clearly to speak from firsthand personal experience

#### Youth Pheasant

There was broad support for youth opportunities. Individual comments spoke often to hunter recruitment, tradition and way of life.

Opponents questioned the need for specific youth opportunity when abundant opportunity was already present.

#### 4-Year Wait

There was general support for a 4-year wait. Support hit upon:

- drawing equity—not significantly improving drawing odds but at least limiting repeat drawings
- essentially no expressed support for the landowner preference exception
- limited opposition often pointed to the bonus point system as an adequate response to the issue of drawing equity

#### Antelope Surplus

Support.

#### Mountain Lion—Remove Fall Validation

Support for increased hunter opportunity. Limited opposition hit upon the nonexistent ability to sex a lion without dogs.

#### Mountain Lion Bonus Point

Support.

#### Mountain Lion Permits in Region 2

There was general support for permits. Proponents advocated:

- hunt quality
- science-based management
- success of permits in Region 1

Opponents questioned:

- the need for permits in Region 2 as it is different from Region 1
- advocated science-based management

- expressed support for the management success of quota-based harvest
- voiced concern over the "creep" of permits to other areas

#### Biennial Quota Setting

There was general tolerance if not support for this procedural approach. There were very few comments to the quota ranges themselves. Supporting arguments recognized:

- some potential gain to procedural efficiency
- expressed confidence in "their" biologist doing what the biologist is supposed to do
- support was given with the understanding that "emergency" situations could be handled annually if necessary

Limited comments against the proposal wanted to keep the public and Commission involved annually.

#### Archery Only Sheep Season

There was clearly support for this proposal among archers who saw it as an expansion of opportunity. Others—primarily rifle hunters—opposed the proposal as unnecessarily granting a "first" opportunity to one user group relative to limited and high value special licenses. Given the finite nature of the permits, opponents further did not see the need.

#### Madison Valley Special Management Unit

Only limited support. Opponents argued against multiple aspects of the proposal while proponents expressed support seeming out of frustration with the status quo and local dialogue to date.

#### Antlerless Opportunity For Hunters With A Permit To Hunt From a Vehicle (PTHFV)

Support.

#### Other Issues

Smaller "clusters" of comments illuminated the following issues:

- limited access to private lands
- limited motorized access to public lands
- concern over perceived low mule deer numbers in west and southwest Montana
- liberalized elk seasons—especially in places where many elk are largely unavailable to hunters
- any bull vs. brow-tined bull seasons
- hunting mule deer in the rut—shorter seasons, 3 wk vs. 5 wk

# SUMMARY OF EMAILED AND MAILED TENTATIVE REGULATION COMMENTS 2008

Antelope Archery				
Hunter				
	For	Against	Other	Total
Resident	66	27	12	105
Nonresident	0	39	2	41
Other	3	3	0	6
<b>Total</b>	<b>69</b>	<b>69</b>	<b>14</b>	<b>152</b>
Landowner				
	For	Against	Other	Total
Resident	2	67	2	71
Nonresident	0	0	0	0
Other	0	1	0	1
<b>Total</b>	<b>2</b>	<b>68</b>	<b>2</b>	<b>72</b>
Business/Outfitter/Government				
	For	Against	Other	Total
Resident	0	50	0	50
Nonresident	0	1	0	1
Other	0	0	0	0
<b>Total</b>	<b>0</b>	<b>51</b>	<b>0</b>	<b>51</b>
Unknown				
	For	Against	Other	Total
Resident	114	37	12	163
Nonresident	0	8	4	12
Other	15	17	2	34
<b>Total</b>	<b>129</b>	<b>62</b>	<b>18</b>	<b>209</b>
<b>TOTALS</b>	<b>200</b>	<b>250</b>	<b>34</b>	<b>484</b>

Breaks Archery				
Hunter				
	For	Against	Other	Total
Resident	66	10	29	105
Nonresident	1	24	8	33
Other	2	5	2	9
<b>Total</b>	<b>69</b>	<b>39</b>	<b>39</b>	<b>147</b>
Landowner				
	For	Against	Other	Total
Resident	2	10	6	18
Nonresident	0	2	0	2
Other	0	1	0	1
<b>Total</b>	<b>2</b>	<b>13</b>	<b>6</b>	<b>21</b>
Business/Outfitter/Government				
	For	Against	Other	Total
Resident	0	4	1	5
Nonresident	0	1	0	1
Other	0	0	0	0
<b>Total</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>6</b>
Unknown				
	For	Against	Other	Total
Resident	70	31	101	202
Nonresident	0	3	1	4
Other	9	11	5	25
<b>Total</b>	<b>79</b>	<b>45</b>	<b>107</b>	<b>231</b>
<b>TOTALS</b>	<b>150</b>	<b>102</b>	<b>153</b>	<b>405</b>

All Elk Archery				
Hunter				
	For	Against	Other	Total
Resident	50	38	15	103
Nonresident	0	46	6	52
Other	3	8	3	14
<b>Total</b>	<b>53</b>	<b>92</b>	<b>24</b>	<b>169</b>
Landowner				
	For	Against	Other	Total
Resident	6	71	7	84
Nonresident	0	1	0	1
Other	0	2	0	2
<b>Total</b>	<b>6</b>	<b>74</b>	<b>7</b>	<b>87</b>
Business/Outfitter/Government				
	For	Against	Other	Total
Resident	1	51	0	52
Nonresident	0	1	0	1
Other	0	2	0	2
<b>Total</b>	<b>1</b>	<b>54</b>	<b>0</b>	<b>55</b>
Unknown				
	For	Against	Other	Total
Resident	97	60	24	181
Nonresident	1	12	4	17
Other	21	27	3	51
<b>Total</b>	<b>119</b>	<b>99</b>	<b>31</b>	<b>249</b>
<b>TOTALS</b>	<b>179</b>	<b>319</b>	<b>62</b>	<b>560</b>

Outside Breaks Archery				
Hunter				
	For	Against	Other	Total
Resident	18	39	5	62
Nonresident	0	4	0	4
Other	1	5	0	6
<b>Total</b>	<b>19</b>	<b>48</b>	<b>5</b>	<b>72</b>
Landowner				
	For	Against	Other	Total
Resident	1	18	3	22
Nonresident	0	3	0	3
Other	0	1	0	1
<b>Total</b>	<b>1</b>	<b>22</b>	<b>3</b>	<b>26</b>
Business/Outfitter/Government				
	For	Against	Other	Total
Resident	0	3	0	3
Nonresident	0	0	0	0
Other	0	0	0	0
<b>Total</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>
Unknown				
	For	Against	Other	Total
Resident	15	49	57	121
Nonresident	0	0	0	0
Other	2	6	4	12
<b>Total</b>	<b>17</b>	<b>55</b>	<b>61</b>	<b>133</b>
<b>TOTALS</b>	<b>37</b>	<b>128</b>	<b>69</b>	<b>234</b>